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Reply To: PHILADELPHIA

February 1, 2005

Via Federal Express

Taha al'Alwani a/k/a Dr. Taha Jaber al'Alwani  
1105 Safa Street  
Herndon, VA 20170-2326

Re: *In re Terrorist Attacks of September 11, 2001*  
03 MDL 1570 (RCC)  
*Estate of John P. O'Neill, et al. v. Republic of Iraq, et al.*  
04-CV-1076 (RCC)

Dear Mr. al'Alwani:

Enclosed please find the following documents relating to the above-referenced case:

1. One (1) Notice of Lawsuit and Request for Waiver of Service of Summons ("Notice");
2. Two (2) copies of a Waiver of Service of Summons ("Waiver");
3. Two (2) copies of the Original Complaint;
4. Two (2) Copies of the First Amended Complaint;
5. Two (2) Copies of the Second Amended Complaint; and
6. A Federal Express Return Envelope.

Please be sure to review all enclosed materials carefully, as they relate to a legal matter, as explained in the enclosed Notice and Waiver.

**LAW OFFICES OF JERRY S. GOLDMAN & ASSOCIATES, P.C.**

February 1, 2005

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If you have any questions or comments, please feel free to contact me.

Very truly yours,

**LAW OFFICES OF JERRY S. GOLDMAN &  
ASSOCIATES, P.C.**

By:   
GINA M. MAC NEILL, ESQUIRE

GMM:jf

Enc. a/s

cc: Jerry S. Goldman, Esquire

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ESTATE OF JOHN P. O'NEILL, ET AL : NOTICE OF LAWSUIT AND REQUEST  
: FOR WAIVER OF SERVICE OF  
v. : SUMMONS  
:   
REPUBLIC OF IRAQ, ET AL : Case Number: 04 CV 1076 (RCC)

TO: Taha al'Alwani a/k/a Dr. Taha Jaber al'Alwani  
1105 Safa St.  
Herndon, VA 20170-2326

A lawsuit has been commenced against you. A copy of the Complaint, the First Amended complaint, and the Second Amended Complaint is attached to this Notice. It is pending in the United States District Court for the Southern District of New York and has been assigned docket number 04 CV 1076 (RCC). Additionally, it has been designated as part of the Multi-District Litigation, *In re Terrorist Attacks of September 11, 2001*, 03-MDL-1570 (RCC).

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed Waiver of Service in order to save the cost of serving you with a judicial summons and an additional copy of the Complaint. The cost of service will be avoided if I receive a signed copy of the waiver within sixty (60) days after the date designated below as the date on which this notice and request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before sixty (60) days from the date designated below as the date on which this Notice is sent (or before ninety (90) days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the Court to require you to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the Plaintiff this 28th day of January, 2005.

  
JERRY S. GOLDMAN, Attorney for Plaintiffs  
111 Broadway, 13th Floor, New York, NY 10006  
Telephone: (212) 242-2232  
Facsimile: (212) 346-4665

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ESTATE OF JOHN P. O'NEILL, SR.	:	WAIVER OF SERVICE OF SUMMONS
	:	
v.	:	
	:	
REPUBLIC OF IRAQ, ET AL	:	CASE NO.: 04 CV 1076 (RCC)
	:	

TO: JERRY S. GOLDMAN & ASSOCIATES, PC  
111 Broadway, 13th Floor  
New York, NY 10006  
Attn: Jerry S. Goldman, Esquire

I acknowledge receipt of your request that I waive service of a Summons in the action of Estate of John P. O'Neill, Sr. v. Kingdom of Iraq *et al*, which is Case Number 04 CV 1076 (RCC) in the United States District Court for the Southern District of New York. I have also received two (2) copies of the Complaint two (2) copies of the First Amended Complaint, two (2) copies of the Second Amended Complaint in the action, two (2) copies of this instrument, and a means by which I can return the signed Waiver to you without cost to me.

I agree to save the cost of service of a Summons and an additional copy of the Complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Federal Rules of Civil Procedure Rule 4.

I will retain all defenses or objections to the action or to the jurisdiction or venue of the Court except for objections based on a defect in the Summons or in the service of the Summons.

I understand that a judgment may be entered against me if an answer or motion under the Federal Rules of Civil Procedure Rule 12 is not served upon you within sixty (60) days after January 28, 2005 or within ninety (90) days after that date if the request was sent outside of the United States.

By: \_\_\_\_\_  
Taha al'Alwani

\_\_\_\_\_  
Date

#### DUTY TO AVOID UNNECESSARY COSTS OF SERVICE OF SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the Waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or even its person or property. A party who waives services of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the Waiver Form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the Summons has been actually serviced when the request for Waiver of Service was received.